

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

TINA BERTUBIN-LENDER, )  
                            )  
Plaintiff,               )  
                            )     Cause No: 4:22-cv-01072  
vs.                       )  
                            )  
UNITED STATES OF AMERICA, )  
                            )  
Defendant.               )

**PLAINTIFF'S MOTION WITH CONSENT OF DEFENDANT  
FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF  
DEFENDANT UNITED STATES OF AMERICA**

COMES NOW Plaintiff in accordance with Rule 41 (a) (2) and for her Motion for Voluntary Dismissal Without Prejudice of Defendant United States of America, states as follows:

1. Plaintiff desires, after conferring with Defendant's counsel, to voluntarily dismiss her cause of action without prejudice against the Defendant due to a Stipulation of Parties being signed in the state court action arising from the occurrence.
2. The Defendant has consented to the Plaintiff's Voluntary Dismissal of Defendant United States of America.
3. Rule 41 (a) (2) of the Federal Rules of Civil Procedure provides for Plaintiff filing a voluntary dismissal without prejudice of a party by Court Order.

WHEREFORE, Plaintiff prays that this Court grant her Motion for Voluntary Dismissal of Defendant United States of America without prejudice, at Plaintiff's costs, and for any further orders the Court deems just and proper in the circumstances.

/s/ Marc S. Wallis

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**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was served upon all attorneys of record via the Court's electronic filing system on the 10<sup>th</sup> day of January 2023

/s/ Marc S. Wallis